

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

CHAPTER 177

SENATE BILL 1444

AN ACT

AMENDING TITLE 13, CHAPTER 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-101.01; AMENDING TITLE 13, CHAPTER 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-713; RELATING TO THE COMMISSION OF FELONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 1, Arizona Revised Statutes, is amended
3 by adding section 13-101.01, to read:

4 13-101.01. Additional purposes of the criminal law and powers
5 of the legislature

6 IN ORDER TO PRESERVE AND PROTECT THE RIGHTS OF CRIME VICTIMS TO JUSTICE
7 AND THE RIGHT OF THE PEOPLE TO SAFETY, IT IS A FUNDAMENTAL PURPOSE OF THE
8 CRIMINAL LAW TO IDENTIFY AND REMOVE FROM SOCIETY PERSONS WHOSE CONDUCT
9 CONTINUES TO THREATEN PUBLIC SAFETY THROUGH THE COMMISSION OF VIOLENT OR
10 AGGRAVATED FELONIES AFTER HAVING BEEN CONVICTED TWICE PREVIOUSLY OF VIOLENT
11 OR AGGRAVATED FELONY OFFENSES.

12 Sec. 2. Title 13, chapter 7, Arizona Revised Statutes, is amended by
13 adding section 13-713, to read:

14 13-713. Third or subsequent offenses by violent or aggravated
15 offenders; sentencing; life imprisonment; definition

16 A. UNLESS A LONGER TERM OF IMPRISONMENT OR DEATH IS THE PRESCRIBED
17 PENALTY AND NOTWITHSTANDING ANY PROVISION THAT ESTABLISHES A SHORTER TERM OF
18 IMPRISONMENT, A PERSON WHO HAS BEEN CONVICTED OF COMMITTING OR ATTEMPTING OR
19 CONSPIRING TO COMMIT ANY VIOLENT OR AGGRAVATED FELONY AND WHO HAS PREVIOUSLY
20 BEEN CONVICTED ON SEPARATE OCCASIONS OF TWO OR MORE VIOLENT OR AGGRAVATED
21 FELONIES NOT COMMITTED ON THE SAME OCCASION SHALL BE SENTENCED TO
22 IMPRISONMENT FOR LIFE AND IS NOT ELIGIBLE FOR SUSPENSION OF SENTENCE,
23 PROBATION, PARDON OR RELEASE ON ANY BASIS EXCEPT THAT THE PERSON MAY BE
24 ELIGIBLE FOR COMMUTATION AFTER THE PERSON HAS SERVED AT LEAST THIRTY-FIVE
25 YEARS.

26 B. IN ORDER FOR THE PENALTY UNDER SUBSECTION A OF THIS SECTION TO
27 APPLY, BOTH OF THE FOLLOWING MUST OCCUR:

28 1. THE AGGRAVATED OR VIOLENT FELONIES THAT COMPRISE THE PRIOR
29 CONVICTIONS SHALL HAVE BEEN ENTERED WITHIN FIFTEEN YEARS OF THE CONVICTION
30 FOR THE THIRD OFFENSE, NOT INCLUDING TIME SPENT IN CUSTODY OR ON PROBATION
31 FOR AN OFFENSE OR WHILE THE PERSON IS AN ABSCONDER.

32 2. THE SENTENCE FOR THE FIRST AGGRAVATED OR VIOLENT FELONY CONVICTION
33 SHALL HAVE BEEN IMPOSED BEFORE THE CONDUCT OCCURRED THAT GAVE RISE TO THE
34 SECOND CONVICTION, AND THE SENTENCE FOR THE SECOND AGGRAVATED OR VIOLENT
35 FELONY CONVICTION SHALL HAVE BEEN IMPOSED BEFORE THE CONDUCT OCCURRED THAT
36 GAVE RISE TO THE THIRD CONVICTION.

37 C. CHAPTER 3 OF THIS TITLE APPLIES TO ALL OFFENSES UNDER THIS SECTION.

38 D. FOR THE PURPOSES OF THIS SECTION, IF A PERSON HAS BEEN CONVICTED OF
39 AN OFFENSE COMMITTED IN ANOTHER JURISDICTION THAT IF COMMITTED IN THIS STATE
40 WOULD BE A VIOLATION OR ATTEMPTED VIOLATION OF ANY OF THE OFFENSES LISTED IN
41 THIS SECTION AND THAT HAS THE SAME ELEMENTS OF AN OFFENSE LISTED IN THIS
42 SECTION, THE OFFENSE COMMITTED IN ANOTHER JURISDICTION IS CONSIDERED AN
43 OFFENSE COMMITTED IN THIS STATE.

1 E. FOR THE PURPOSES OF THIS SECTION, "VIOLENT OR AGGRAVATED FELONY"
2 MEANS ANY OF THE FOLLOWING OFFENSES:

- 3 1. FIRST DEGREE MURDER.
- 4 2. SECOND DEGREE MURDER.
- 5 3. AGGRAVATED ASSAULT RESULTING IN SERIOUS PHYSICAL INJURY OR
6 INVOLVING THE DISCHARGE, USE OR THREATENING EXHIBITION OF A DEADLY WEAPON OR
7 DANGEROUS INSTRUMENT.
- 8 4. DANGEROUS OR DEADLY ASSAULT BY PRISONER.
- 9 5. COMMITTING ASSAULT WITH INTENT TO INCITE TO RIOT OR PARTICIPATE IN
10 RIOT.
- 11 6. DRIVE BY SHOOTING.
- 12 7. DISCHARGING A FIREARM AT A RESIDENTIAL STRUCTURE IF THE STRUCTURE
13 IS OCCUPIED.
- 14 8. KIDNAPPING.
- 15 9. SEXUAL CONDUCT WITH A MINOR THAT IS A CLASS 2 FELONY.
- 16 10. SEXUAL ASSAULT.
- 17 11. MOLESTATION OF A CHILD.
- 18 12. CONTINUOUS SEXUAL ABUSE OF A CHILD.
- 19 13. VIOLENT SEXUAL ASSAULT.
- 20 14. BURGLARY IN THE FIRST DEGREE COMMITTED IN A RESIDENTIAL STRUCTURE
21 IF THE STRUCTURE IS OCCUPIED.
- 22 15. ARSON OF AN OCCUPIED STRUCTURE.
- 23 16. ARSON OF AN OCCUPIED JAIL OR PRISON FACILITY.
- 24 17. ARMED ROBBERY.
- 25 18. PARTICIPATING IN OR ASSISTING A CRIMINAL SYNDICATE OR LEADING OR
26 PARTICIPATING IN A CRIMINAL STREET GANG.
- 27 19. TERRORISM.
- 28 20. TAKING A CHILD FOR THE PURPOSE OF PROSTITUTION.
- 29 21. CHILD PROSTITUTION.
- 30 22. COMMERCIAL SEXUAL EXPLOITATION OF A MINOR.
- 31 23. SEXUAL EXPLOITATION OF A MINOR.
- 32 24. UNLAWFUL INTRODUCTION OF DISEASE OR PARASITE AS PRESCRIBED BY
33 SECTION 13-2912, SUBSECTION A, PARAGRAPH 2 OR 3.

APPROVED BY THE GOVERNOR APRIL 18, 2006.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2006.

